

Oregon Department of Agriculture
Frequently Asked Questions for Chlorpyrifos Registrants
Questions and Answers Relating to Registration Requests/Applications
January 15, 2021

Special Registrations and EUPs

(1) Is Oregon accepting applications for new Section 24(c) Special Local Need (SLN) registrations for chlorpyrifos-containing products?

No, this has not been possible for several years.

(2) Would Oregon consider extending the expiration of existing 24(c)/SLN registrations beyond December 31, 2023, or transferring these registrations to another registrant?

No

(3) Is Oregon accepting Section 18/Emergency Exemption requests for chlorpyrifos-containing products?

No

(4) Is Oregon accepting Experimental Use Permit (EUP) applications for chlorpyrifos-containing products?

Yes, but only for the purpose of comparing the efficacy of chlorpyrifos to that of a possible alternative.

Cancellation/Existing Stocks

(5) My company currently has chlorpyrifos-containing products registered in Oregon. In the near future, I plan to cancel the Oregon state registration of these products. Can existing stocks in the channels of trade in Oregon still be sold/distributed in Oregon?

No. There is not an existing stocks provision in law which would allow an unregistered product to be sold. Regardless of the active ingredient, products must be currently registered with ODA to be delivered, distributed, sold, offered or exposed for sale in the state, ORS 634.016(1). Product registration is required annually.

(6) Are the Oregon state registrations of chlorpyrifos-containing products required to be cancelled? If so, by when?

ODA is not requiring cancellation of products. However:

- ODA will not register any chlorpyrifos-containing products after December 31, 2020 that are exclusively for mosquito vector control or exclusively for use on golf courses.
- ODA will not register any chlorpyrifos-containing product after December 31, 2023, unless it is (a) labeled for seed treatment applications only, (b) a granular formulation, or (c) a cattle ear-tag product. In addition, these are the only remaining allowed uses after December 31, 2023.

According to OAR 603-057-0545*, after December 31, 2023, it is prohibited to use, deliver, distribute, sell, offer or expose for sale all chlorpyrifos-containing products, except when:

- (a) Labeled for use as, and used as, a commercial pre-plant seed treatment, or
- (b) Formulated as, and used as, a granular product.

*Note - Cattle ear tags are exempted from the chlorpyrifos rule.

Label Updates

(7) Do we need to update the market labels for our chlorpyrifos-containing products (e.g., to add an RUP statement)? If so, by when must we do this? Do we also need to update our EPA Section 3 master labels? If so, can we submit these changes to EPA via notification?

No. ODA is not requiring registrants to amend their Section 3 labels.

Databases

(8) I have chlorpyrifos-containing products registered in Oregon that are not federally designated as restricted use, but are now designated as restricted-use pesticides (RUPs) in the State of Oregon. How will this be reflected in Oregon's RUP list, Oregon's product database, and PICOL?

ODA is in the process of updating its pesticide product database, in order to reflect that certain products are now designated as State Restricted Use. This is a new designation for ODA to use. ODA is also working with staff at PICOL, and is developing a list of the impacted products for the ODA website. The list of impacted products will be small.

Product Sale and Use

(9) My company markets a chlorpyrifos-containing product that is registered in Oregon. This product is not federally designated as a restricted use pesticide (RUP); however, it is now designated as State Restricted Use in Oregon. How does that impact where and to whom I can sell my product?

Federal and State RUPs can only be sold to certified and licensed pesticide applicators. In addition, based on OAR 603-057-0545, chlorpyrifos-containing products can only be applied by certified and licensed pesticide applicators.

Only Pesticide Dealers licensed in Oregon can sell RUPs to certified and licensed pesticide applicators. You will need to market your RUP product through a licensed Oregon Pesticide Dealer.

Pesticide Dealer Licensing (not unique to chlorpyrifos):

- RUPs can only be sold to end users by an entity that is a licensed Oregon Pesticide Dealer. Licensed Dealers may be found at:
<http://oda.state.or.us/dbs/licenses/search.lasso?&division=pest>
 - Scenario 1: Company X directly sells an RUP to a licensed Oregon pesticide dealer. Since the Dealer will be the one selling to the licensed applicator, Company X does not need to also have an Oregon Pesticide Dealer license .
 - Scenario 2: Company X directly sells or distributes an RUP to an Oregon end-user. In this scenario, Company X would need an Oregon Pesticide Dealer license.

ORS 634.006 (11) "Pesticide dealer means a person who sells, offers for sale, handles, displays or distributes any pesticide classified by the department as a restricted-use or highly toxic pesticide." Note - Pesticide dealers have recordkeeping requirements.

Pesticide Dealers

(10) What information should we provide to the dealers, so that they may comply with this Oregon rule?

Please provide a copy of the rule and any relevant FAQ documents produced by ODA. ODA will be reaching out to licensed Pesticide Dealers. ODA will include this information on the Pesticides rulemaking webpage, <https://oda.direct/Rulemaking>

Dealer responsibilities are highlighted in a brochure, <https://www.oregon.gov/ODA/shared/Documents/Publications/PesticidesPARC/PesticideDealerResponsibilitiesBrochure.pdf>

Disposal

(11) How should we coordinate disposal of chlorpyrifos-containing products?

There is a limited Waste Pesticide Collection Program for end-users, and if funding allows, possibly other local entities. See

<https://www.oregon.gov/oda/programs/Pesticides/Water/Pages/PesticideStewardship.aspx>

More Information

(12) If I have additional questions, what is the best way to contact ODA?

The easiest way is to email pestx@oda.state.or.us Your inquiry will be forwarded to an appropriate ODA registration staff person. However, if a registrant registration staff person frequently works with an ODA registration staff person, they can also contact that person directly.